

1 KEKER & VAN NEST, LLP
ELLIOT R. PETERS - #158708
2 DANIEL PURCELL - #191424
STEVEN P. RAGLAND - #221076
3 710 Sansome Street
San Francisco, CA 94111-1704
4 Telephone: (415) 391-5400
Facsimile: (415) 397-7188

5 COLEMAN & BALOGH LLP
6 ETHAN A. BALOGH – #172224
255 Kansas Street, Suite 340
7 San Francisco, CA 94103
Telephone: (415) 565-9600
8 Facsimile: (415) 565-9601

9 Attorneys for Plaintiff
JOHN TENNISON

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

14 JOHN TENNISON,

15 Plaintiff,

16 v.

17 CITY AND COUNTY OF
SAN FRANCISCO; SAN FRANCISCO
18 POLICE DEPARTMENT; PRENTICE EARL
SANDERS; and NAPOLEON HENDRIX,

19 Defendants.
20

Case No. C 04-00574 CW

Consolidated with
Case No. C 04-01643 CW

**STIPULATION AND ORDER
CONTINUING FURTHER CASE
MANAGEMENT CONFERENCE**

21
22
23
24
25
26
27
28
STIPULATION AND PROPOSED ORDER CONTINUING FURTHER CASE MANAGEMENT CONFERENCE

Case No. C 04-00574 CW

Consolidated with

Case No. C 04-01643 CW

RECITAL

The Court's Case Management Order of April 6, 2006, set a further case management conference in this matter for October 6, 2006, at 1:30 p.m. The Order noted, "If no decision is made by the Ninth Circuit [regarding pending appeals of this Court's partial denial of defendants' summary judgment motions] by October 6, 2006, the parties can stipulate to continue the Case Management Conference."

On October 2, 2006, this Court ordered that the Case Management Conference be continued until June 8, 2007.

On May 14, 2007, this Court issued a Clerk's Notice, which rescheduled the Case Management Conference for June 12, 2007.

On June 1, 2007, this Court ordered that the Case Management Conference be continued until August 7, 2007.

The Ninth Circuit heard oral argument in this case on July 12, 2007, at 9:00 a.m..

On July 30, 2007, this Court ordered that the Case Management Conference be continued until December 4, 2007.

On November 28, 2007, this Court ordered that the Case Management Conference be continued until February 12, 2008.

On February 4, 2008, this Court ordered that the Case Management Conference be continued until March 25, 2008.

On March 14, 2008, this Court ordered that the Case Management Conference be continued until June 10, 2008.

On May 21, 2008, the Ninth Circuit vacated the submission of the appeals pending the United States Supreme Court's decision in *Van de Kamp v. Goldstein*, No. 07-854, 2008 WL 1699467 (U.S. Apr. 14, 2008).

On June 9, 2008, this Court ordered that the Case Management Conference be continued until September 9, 2008.

///

On September 11, 2008, this Court ordered that the Case Management Conference be continued until October 21, 2008.

On September 22, 2008, pursuant to a request by plaintiff Antoine Goff, the Ninth Circuit ordered defendant George Butterworth's appeal dismissed, remanded Goff's claims against Butterworth to this Court for the limited purpose of entering judgment against Goff and in favor of Butterworth, and ordered the remaining appeals resubmitted.

As of today, the Ninth Circuit has not yet ruled on the pending appeals.

The parties agree that it would be a waste of time and judicial resources for the Court to hold a case management conference prior to entry of a decision by the Ninth Circuit.

STIPULATION

For the forgoing reasons, the parties, through their undersigned counsel, stipulate and agree to entry of an order continuing the further case management conference from October 21, 2008 at 2:00 p.m. to December 16, 2008 at 2:00 p.m.. Should the Ninth Circuit dispose of the pending appeals before that date, the parties will notify the Court so that the date of the further Case Management Conference may be advanced.

IT IS SO STIPULATED.

Dated: October 14, 2008

KEKER & VAN NEST, LLP

By: /s/ Daniel Purcell

DANIEL PURCELL
Attorneys for Plaintiff
JOHN TENNISON

Dated: October 14, 2008

THE SCOTT LAW FIRM

By: /s/ John Houston Scott

JOHN HOUSTON SCOTT
Attorneys for Plaintiff
ANTOINE GOFF

1 Dated: October 14, 2008

MOSCONE, EMBLIDGE & QUADRA

2
3 By: /s/ James A. Quadra

4 JAMES A. QUADRA
5 Attorneys for Defendants
PRENTICE EARL SANDERS and
NAPOLEON HENDRIX

6 Dated: October 14, 2008

OFFICE OF THE CITY ATTORNEY

7
8 By: /s/ Christine Van Aken

9 CHRISTINE VAN AKEN
10 Attorneys for Defendants
11 CITY AND COUNTY OF SAN FRANCISCO and
12 GEORGE BUTTERWORTH

13 **FILER'S ATTESTATION**

14 I, Daniel Purcell, the filer of this document, hereby attest that concurrence in the filing of
15 this document has been obtained from each signatory hereto.

16
17
18 By: /s/ Daniel Purcell

DANIEL PURCELL

ORDER

GOOD CAUSE showing, it is hereby ordered that the further case management conference be continued pursuant to the terms of the foregoing stipulation.

IT IS SO ORDERED.

Dated: 10/15
_____, 2008



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE